

United States District Court
For The Northern District of New York
Plaintiff's Revised Deposition Designations – Ryan Murphy

Case No. 1:17-cv-598 (BKS)(CFH)

Date: _____ Presiding Judge: Honorable Brenda K. Sannes

Name of Deponent	Date of Testimony	Angio's Revised Designations	Bard's Former Objections to Affirmative Designations	Bard's Counter-Designations	Court's Ruling
Murphy, Ryan	December 12, 2019	9:16 - 9:18			
Murphy, Ryan	December 12, 2019	12:02 - 12:05			
Murphy, Ryan	December 12, 2019	12:08 - 12:15			
Murphy, Ryan	December 12, 2019	13:01 - 14:08		344:6-12, 344:14-345:6, 345:8-347:3	
Murphy, Ryan	December 12, 2019	15:07 - 15:11			
Murphy, Ryan	December 12, 2019	16:09 - 16:12			
Murphy, Ryan	December 12, 2019	43:5-43:24	Bard Obj. to P-388, 801/802 - Hearsay (e.g., pg. 3 "they are very interested in 3CG and said they would 'like to be doing what UPMC is doing,'" "Coated PICCs continue to be a topic of conversation and interest for our customers");		Overruled
Murphy, Ryan	December 12, 2019	48:11 - 48:19	Bard Obj. to P-388 (see above), Bard Obj. to Angio Affirm. 801/802 - Hearsay		Overruled
Murphy, Ryan	December 12, 2019	48:22 - 49:07	Bard Obj. to P-388 (see above); Bard Obj. to Angio Affirm. mischaracterizes the document; 602 (lack of personal knowledge, speculation)		Overruled

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Murphy, Ryan	December 12, 2019	51:21 - 52:09	Bard Obj. to P-388 (see above); Bard Obj. to Angio Affirm. 801/802 (hearsay)		Overruled
Murphy, Ryan	December 12, 2019	52:12 - 53:16	Bard Obj. to P-388 (see above); Bard Obj. to Angio Affirm. 801/802 (hearsay)		Overruled
Murphy, Ryan	December 12, 2019	53:21-56:05	Bard Obj. to P-388 (see above); Bard Obj. to Angio Affirm. 401/402 - Relevance (AngioDynamics may argue relevant to product differentiation and motive; no evidence that any product differentiation based on coatings were relevant to Bard's motivation for its TLS policy)		Overruled
Murphy, Ryan	December 12, 2019	56:08 - 56:21	Bard Obj. to Angio Affirm. P-388 (see above), 401/402 - Relevance (AngioDynamics may argue relevant to product differentiation and motive; no evidence that any product differentiation based on coatings were relevant to Bard's motivation for its TLS policy), mischaracterizes the document		Overruled
Murphy, Ryan	December 12, 2019	57:09 - 57:13			

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Murphy, Ryan	December 12, 2019	91:01 - 91:15	Bard Obj. to P-190, 403/Cumulative (Cleveland Clinic trial is undisputed)		Overruled
Murphy, Ryan	December 12, 2019	91:18 - 92:21	Bard Obj. to P-190 (see above)		Overruled
Murphy, Ryan	December 12, 2019	93:05 - 94:18	Bard Obj. to P-190 (see above)		Overruled
Murphy, Ryan	December 12, 2019	98:23 - 99:02	Bard Obj. to Angio Affirm. lacks foundation, leading question	98:14-98:15, 98:22-98:22	Overruled
Murphy, Ryan	December 12, 2019	99:05 - 99:12	Bard Obj. to Angio Affirm. lacks foundation, leading question	98:14-98:15, 98:22-98:22	Overruled
Murphy, Ryan	December 12, 2019	99:13 - 99:23	Bard Obj. to Angio Affirm. lacks foundation, leading question	98:14-98:15, 98:22-98:22	Overruled
Murphy, Ryan	December 12, 2019	100:07 - 100:18	Bard Obj. to Angio Affirm. lacks foundation, speculation		Overruled
Murphy, Ryan	December 12, 2019	101:18 - 101:23			
Murphy, Ryan	December 12, 2019	101:24 - 105:06	Bard Obj. to Angio Affirm. speculation, lacks personal knowledge		Overruled
Murphy, Ryan	December 12, 2019	105:07 - 107:17	Bard Obj. to Angio Affirm. 611 (foundation, vague), 602 (lack of personal knowledge, speculation), calls for expert testimony from lay witness		Sustained as to 105:07-106:12
Murphy, Ryan	December 12, 2019	107:20 - 109:01	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation), 401		Sustained as to 108:20-109:01

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			(relevance), 611 (foundation, vague)		
Murphy, Ryan	December 12, 2019	109:04 - 109:10	Bard Obj. to Angio Affirm. 401 (relevance), 611 (foundation, vague)		Sustained
Murphy, Ryan	December 12, 2019	110:05 - 110:08			
Murphy, Ryan	December 12, 2019	114:16-17			
Murphy, Ryan	December 12, 2019	114:24-115:3			
Murphy, Ryan	December 12, 2019	120:20 - 121:01	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation); not testifying on behalf of the company		Overruled
Murphy, Ryan	December 12, 2019	121:18 – 121:24	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation); not testifying on behalf of the company		Overruled
Murphy, Ryan	December 12, 2019	131:12 - 131:15	Bard Obj. to Angio Affirm. 801/802 (hearsay)		
Murphy, Ryan	December 12, 2019	132:12 - 132:14			
Murphy, Ryan	December 12, 2019	154:4 - 155:10			
Murphy, Ryan	December 12, 2019	158:05 - 159:07	Bard Obj. to Angio Affirm. 401 (relevance)		Sustained
Murphy, Ryan	December 12, 2019	167:06 - 168:03	Bard Obj. to Angio Affirm. 401 (relevance)		Sustained
Murphy, Ryan	December 12, 2019	168:13 - 169:15	Bard Obj. to Angio Affirm. 401 (relevance)		Sustained

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Murphy, Ryan	December 12, 2019	169:18 - 169:18	Bard Obj. to Angio Affirm. 401 (relevance)		Sustained
Murphy, Ryan	December 12, 2019	170:15 - 173:09	Bard Obj. to P-051, 403 - More Prejudicial than Probative, Bard Obj. to Angio Affirm. lacks foundation, speculation		Sustained (cumulative)
Murphy, Ryan	December 12, 2019	173:12 - 175:03	Bard Obj. to P-051, 801/802 Hearsay; Bard Obj. to Angio Affirm. 401 (relevance), 602 (lack of personal knowledge, speculation)		Sustained
Murphy, Ryan	December 12, 2019	175:12-23	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation), 801/802 - Hearsay		Overruled
Murphy, Ryan	December 12, 2019	176:5-179:7	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation), 801/802 - Hearsay		Sustained as to 177:5-18, 178:8-11
Murphy, Ryan	December 12, 2019	180:12-181:12	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation); not testifying on behalf of the company, 401/402 - Relevance		Overruled

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Murphy, Ryan	December 12, 2019	181:15 - 182:20	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation), 401/402 - Relevance		Overruled
Murphy, Ryan	December 12, 2019	182:21 - 184:19	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 801/802 (hearsay)		Overruled
Murphy, Ryan	December 12, 2019	185:13 - 187:14	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled
Murphy, Ryan	December 12, 2019	187:17 - 187:17	Bard Obj. to P-058 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled
Murphy, Ryan	December 12, 2019	187:20 - 191:08	Bard Obj. to P-189, 403 - Confusing, cumulative (Cleveland Clinic trial is undisputed; this document adds no additional relevant facts); This document contains multiple emails in one exhibit, Bard Obj. to Angio Affirm. 401/402 - Relevance		Sustained
Murphy, Ryan	December 12, 2019	192:01 - 195:01	Bard Obj. to P-189 (see above), Bard Obj. to Angio Affirm. 401/402 - Relevance,		Sustained

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			602 (lack of personal knowledge, speculation)		
Murphy, Ryan	December 12, 2019	195:14 - 196:01	Bard Obj. to P-189 (see above), Bard Obj. to Angio Affirm. 401/402 - Relevance, 602 (lack of personal knowledge, speculation)		Sustained
Murphy, Ryan	December 12, 2019	197:09 - 197:23		198:14-198:16, 198:23-199:2, 199:10-199:11, 199:21-200:2, 200:9-11	
Murphy, Ryan	December 12, 2019	200:12 - 201:07			
Murphy, Ryan	December 12, 2019	201:10 - 203:24	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled
Murphy, Ryan	December 12, 2019	205:02 - 205:13			
Murphy, Ryan	December 12, 2019	205:17-208:9	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled
Murphy, Ryan	December 12, 2019	209:06 - 209:21	Bard Obj. to Angio Affirm. 403 (cumulative, the parties agree Bard never sold the stylet standalone to any hospital other than CC)		Overruled
Murphy, Ryan	December 12, 2019	210:4 - 212:18	Bard Obj. to P-271, 801/802 - Hearsay (E.g., page 2, "I did contact Supply Chain at Cleveland Clinic. They are using the Bard 3CG		Overruled

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			technology and seperately ordered/stocked Bard 3CG stylets with 2 DIFFERENT PICC Vendors (both not bard)."), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		
Murphy, Ryan	December 12, 2019	212:21 - 213: 12	Bard Obj. to P-271 (see above), Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled
Murphy, Ryan	December 12, 2019	213:18-214:15	Bard Obj. to P-271 (see above), 403 (cumulative, the parties agree Bard never sold the stylet standalone to any hospital other than CC)		Overruled
Murphy, Ryan	December 12, 2019	214:18-220:20	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled
Murphy, Ryan	December 12, 2019	221:06-16	Bard Obj. to P-121 801/802 (Hearsay) (e.g., page 1: "Multiple reports this month . . ."); 403 – More prejudicial than probative (e.g., page 1: "shit"), Bard Obj. to Angio Affirm. 801/802 - Hearsay, 401/402 - Relevance, 403 (prejudice)		Overruled
Murphy, Ryan	December 12, 2019	223:23-224:5	Bard Obj. to P-121 (see above), Bard Obj. to Angio		Overruled

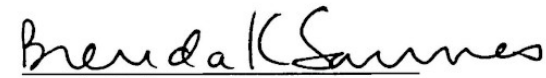
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			Affirm. 801/802 - Hearsay, 401/402 - Relevance, 403 (prejudice)		
Murphy, Ryan	December 12, 2019	227:18-228:02	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Sustained
Murphy, Ryan	December 12, 2019	228:05–21	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Sustained
Murphy, Ryan	December 12, 2019	229:09-230:14	Bard Obj. to Angio Affirm. 602 (lack of personal knowledge, speculation)		Overruled, as long as the question is included
Murphy, Ryan	December 12, 2019	232:11-20			
Murphy, Ryan	December 12, 2019	235:09-236:08			
Murphy, Ryan	December 12, 2019	235:15-236:8			
Murphy, Ryan	December 12, 2019	238:12-15	Bard Obj. to Angio Affirm. 403 (cumulative, the parties agree Bard never sold the stylet standalone to any hospital other than CC)		Overruled
Murphy, Ryan	December 12, 2019	238:18-239:2	Bard Obj. to Angio Affirm. 403 (cumulative, the parties agree Bard never sold the stylet standalone to any hospital other than CC); incomplete designation		Overruled
Murphy, Ryan	December 12, 2019	239:10-239:17	Bard Obj. to Angio Affirm. 403 (cumulative, the parties agree Bard never sold the		Overruled

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			stylet standalone to any hospital other than CC)		
Murphy, Ryan	December 12, 2019	255:23-256:14	Bard Obj. to P-276; 401/402 – Relevance		Sustained
Murphy, Ryan	December 12, 2019	258:3-260:6	Bard Obj. to P-276 (see above)		Sustained
Murphy, Ryan	December 12, 2019	261:3-262:2	Bard Obj. to P-276 (see above)		Sustained
Murphy, Ryan	December 12, 2019	277:18-20			
Murphy, Ryan	December 12, 2019	278:13-20			
Murphy, Ryan	December 12, 2019	278:23-280:4			
Murphy, Ryan	December 12, 2019	287:3-288:23	Bard Obj. to P-274 - 801/802 - Hearsay (e.g., page 1, "This PICC team still has interest in Vasanova due to the ability to have the wire separate from the kit. They feel that they don't ever want to be locked in to one vender."); Excluded pursuant to ECF No. 436		Sustained as to 288:11-23
Murphy, Ryan	December 12, 2019	289:2-289:23	Bard Obj. to Angio Affirm. 801/802 (hearsay), 602 (lack of personal knowledge, speculation); Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	290:3-290:17	Bard Obj. to Angio Affirm. 801/802 (hearsay), 602 (lack of personal knowledge, speculation); Excluded pursuant to ECF No. 436		Sustained

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Murphy, Ryan	December 12, 2019	291:23-292:7	Bard Obj. to Angio Affirm. 801/802 (hearsay), 602 (lack of personal knowledge, speculation); Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	292:9-292:13	Bard Obj. to Angio Affirm. 801/802 (hearsay), 602 (lack of personal knowledge, speculation); Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	292:16 - 293:3	Bard Obj. to Angio Affirm. 801/802 (hearsay), 602 (lack of personal knowledge, speculation); Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	297:15-298:7	Bard Obj. to P-113; 801/802 – Hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	298:18-299:11	Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	299:18-301:10	Excluded pursuant to ECF No. 436	301:23-302:18	Sustained
Murphy, Ryan	December 12, 2019	307:9-307:20	Excluded pursuant to ECF No. 436	307:21-308:13	Overruled
Murphy, Ryan	December 12, 2019	308:15-308:24	Excluded pursuant to ECF No. 436		Overruled
Murphy, Ryan	December 12, 2019	309:3-309:11	Excluded pursuant to ECF No. 436		Overruled
Murphy, Ryan	December 12, 2019	310:4-310:20	Excluded pursuant to ECF No. 436		Sustained

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Murphy, Ryan	December 12, 2019	309:12-24	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	310:4-20	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	310:24-311:4	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	318:24-318:24	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	326:5-326:20	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	329:3-13	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	330:9-18	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained
Murphy, Ryan	December 12, 2019	330-21-22	P-246 hearsay; Excluded pursuant to ECF No. 436		Sustained

Dated: September 22, 2022


 Brenda K. Sannes
 Chief U.S. District Judge